

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA  
AT MARTINSBURG**

**ORGILL, INC.**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 3:16-CV-00158-GMG  
(Judge Gina M. Groh)**

**DISTRIBUTION CENTERS OF  
AMERICA (WV), LLC**

**Defendant.**

---

**ORGILL’S MOTION FOR ATTORNEY’S FEES AND EXPENSES**

---

Plaintiff and Counterclaim Defendant, Orgill, Inc. (“Orgill”), by counsel and pursuant to Federal Rule of Civil Procedure 54(d)(2), moves for an award of attorney’s fees and expenses as the “prevailing party” under Section 7.6 of the Amended and Restated Lease between Orgill and Defendant Distribution Centers of America (WV), LLC (“DW”). The facts and law supporting Orgill’s Motion are set forth in Orgill’s supporting Memorandum of Law, filed contemporaneously with this Motion, and the affidavits attached to this Motion.

Respectfully submitted,

/s/ Christopher K. Robertson

Christopher K. Robertson

[W.Va. Bar No. 5993]

**JACKSON KELLY PLLC**

310 West Burke Street

Post Office Box 1068

Martinsburg, West Virginia 25402

Tel: 304/263-4959

Fax: 304/263-7110

*Attorney for Plaintiff,  
Orgill, Inc.*

Buckner Wellford  
[Tenn. Bar No. 9687 - Admitted *Pro Hac Vice*]  
Zachary A. Kisber  
[Tenn. Bar No. 33388 - Admitted *Pro Hac Vice*]  
**BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ**  
165 Madison Ave., 20th Floor  
Memphis, Tennessee 38103  
Tel: 901-577-2152

**CERTIFICATE OF SERVICE**

I hereby certify that on December 1, 2017, I electronically filed the forgoing with the Clerk of the Court using the CM\ECF system, which will send notification of such filing to the following:

R. Terrance Rodgers    [trodgers@kaycasto.com](mailto:trodgers@kaycasto.com), [fcasey@kaycasto.com](mailto:fcasey@kaycasto.com),  
[swhittington@kaycasto.com](mailto:swhittington@kaycasto.com)

This, the 1st of December, 2017.

/s/ Christopher Robertson  
CHRISTOPHER ROBERTSON